

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHAMBERS OF
JOSEPH J. FARNAN, JR.
JUDGE

LOCKBOX 27
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July 25, 2006

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RE: Affymetrix, Inc. v. Illumina Inc.
Civil Action No. 04-CV-901 JJF

Dear Counsel:

The Court has reviewed Ms. Noreika's July 24, 2006 letter (D.I. 291) requesting that the parties be permitted to proceed with expert discovery without the benefit of the Court's claim construction. The Defendant prefers to wait for the claim construction before commencing expert discovery.

Because the Court intends to issue its claim construction order soon, the request is denied. However, if the order is not entered by August 14, the Court will allow expert discovery to proceed without the assistance of the Court's claim construction.

Sincerely,



JOSEPH J. FARNAN, JR.

JJFjr: kbc

cc: Clerk, U.S. District Court